



Peter Franchot
Comptroller

Len N. Foxwell
Chief of Staff

September 13, 2019

The Honorable Bob Culver
Wicomico County Executive
125 North Division Street, Room 303
Salisbury, MD 21801

Dear County Executive Culver:

Over the course of this past week, we have learned that, unbeknownst to Comptroller Franchot, you lodged a surreptitious complaint about the work of our agency in an August 27 letter to Senate President Thomas V. Mike Miller. Now that our Office has requested and received a copy of your letter to Senate President Miller, and the Comptroller has finally had the opportunity to review your concerns, he asked me to respond on his behalf.

In this letter - which was forwarded to our Office at our request on September 12 - you expressed specific displeasure with the non-profit beer and wine festival permits that were issued by the Maryland Comptroller's Office to the City of Salisbury. As you know, the City needed these permits to allow beer and wine to be sold during the National Folk Festival, which took place in Salisbury from September 6-8.

In your letter, which I've reattached for your recollection, you stated that "these licenses are in violation of Article 2B," that it "is very concerning to me that the local Board of License Commissioners was totally circumvented both this year and last," and that "it is very troubling that the Comptroller of Maryland would approve these licenses that are illegal."

In my response, I'll offer three important points.

First, the Maryland Comptroller's Office, under the stewardship of Comptroller Franchot, prides itself on respectful, responsive and results-oriented customer service – both to the taxpayers we serve and to the local governments with whom we have partnered so effectively through the years. That spirit of partnership is particularly strong with the City of Salisbury, which serves as home to a thriving regional retail office as well as our first, and largest, taxpayer call center.

Over the years, Comptroller Franchot has taken considerable pride in the spirit of collaboration that exists with the City of Salisbury and its communities. Among other things, we have worked together to facilitate the growth of Maryland's \$640 million craft beer industry, to emphasize the economic and civic benefits of supporting local businesses, supporting those first responders that keep these neighborhoods safe, and to showcase a university that has emerged as a true rising star in American higher education.

It is in that shared spirit of responsiveness, collaboration and partnership that this Office was pleased to review and approve the City's initial request in 2018, and again in advance of last weekend's extraordinary event. Contrary to your supposition, the Office of the Comptroller, through our award-winning Field Enforcement Division (FED), acted in absolute accordance with the powers granted under MD Code, Alcoholic Beverages, 1-304.

Mindful of the size and magnitude of the National Folk Festival, the FED exercised considerable care to ensure that the City's application was in proper order, and that the characteristics of the event itself were compatible with the terms and conditions of issuance. This exhaustive process included, but was certainly not limited to, a site visit by senior officials to the grounds of the National Folk Festival to ensure the presence of appropriate retail boundaries, display signage and proper sales procedures. We would like to believe that the successful outcome of these two festivals, in which hundreds of thousands of people came to the City of Salisbury to listen to good music and enjoy good craft beer and wine, stands as testament to the unassailability of our work.

However, given that you raised the issue in your private correspondence with Senate President Miller, allow me to respond to your charge that we “circumvented” the Board of License Commissioners. Like you, we were quite surprised that the Comptroller of Maryland was called upon to exercise our lawful duties in the first place.

Given the extraordinary effort that was invested by government, business and civic leaders to secure the Folk Festival in the first place, and given what this renowned event would mean to the city, county and Delmarva region, it was our obvious assumption that this Board – populated as it is with your appointees and allies – would have acted with due alacrity to issue the necessary permits.

Instead, it was quite clear to Mayor Day and his Administration that the City’s application, for its technical sufficiency, was being delayed indefinitely by your Board for reasons having nothing to do with merit and everything to do with your own personal resentments.

If you will indulge my personal observation, I would suggest that, rather than engaging in mock outrage that the Comptroller’s Office acted without the blessing of your political cronies, you should be personally embarrassed that we needed to be called in the first place.

My second point is merely one of process. As stated at the outset of this correspondence, your August 27 letter to Senate President Miller – in which you accused a state constitutional officer of illegal conduct and sought to invalidate licenses that were essential to the successful operation of a major civic event within your own jurisdiction – was issued without our knowledge. We were not informed of the existence of this letter in advance, nor were we copied on the version that was sent to the Senate President’s Office.

For that matter, we aren’t alone. It’s been made quite evident, in our search for this elusive correspondence, that it was shared neither with the City of Salisbury, nor with the members of the Eastern Shore delegation to the Maryland General Assembly. This, even though it was clearly sent with the intent of motivating Senate President Miller to initiate hostile action.

Again, if you will allow a moment of personal reflection, I have served in state government now for nearly 25 years. During that time, I have worked constructively, on a broad range of policy matters, with nearly all of the nearly 200 municipal and county governments in the State of Maryland. At no point have I seen a chief executive of a local government conduct official business in such an unprofessional manner.

Given that I'm not a resident of Wicomico County, nor am I particularly well-versed in the current events of your community, I will refrain from judging whether this is emblematic of the way your Office customarily functions. For the sake of the taxpayers you were hired to serve, I'll simply hope that this is a bizarre, unfortunate anomaly.

Finally, we are forced to ponder what would have occurred if your letter actually had its intended effect, and if Senate President Miller had actually exercised some heretofore unknown lever of authority to invalidate our approval of the City's application. This, in the context of the news that this year's National Folk Festival brought more than 150,000 people to the City of Salisbury and Wicomico County for a weekend of good music, and great Maryland beer and wine, with good friends.

The importance of the National Folk Festival to your community and region – as a source of tax revenue, business and economic investment, prestige and community pride – cannot possibly be overstated. It is both a catalyst for, and a reflection of, the transformation that is occurring throughout the City of Salisbury under the leadership of Mayor Day, and with the hard work of a broad coalition of business, civic, philanthropic and faith leaders.

To send a letter of this nature less than two weeks before the Festival, with the willingness and intent to severely disrupt what so many had worked so hard to build, is nothing less than a gesture of economic sabotage against those very people who have trusted in your leadership.

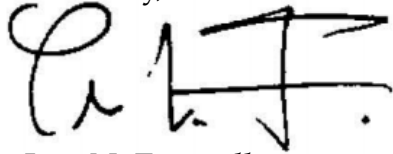
The Honorable Bob Culver

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Thank you in advance for considering these points. Should you have any questions, or should you wish to discuss these points in further detail, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. N. Foxwell', with a stylized flourish at the end.

Len N. Foxwell

Chief of Staff

Comptroller of Maryland

cc: The Mayor and Council of Salisbury
The Wicomico County Council
Maryland General Assembly, Eastern Shore Delegation
Mr. Mike Dunn, President and CEO, The Greater Salisbury Committee
Mr. Bill Chambers, President and CEO, Salisbury Area Chamber of
Commerce
The Honorable Thomas V. Mike Miller, President of the Senate

Enclosure: Culver Letter to Senate President Miller



WICOMICO COUNTY, MARYLAND

OFFICE OF THE COUNTY EXECUTIVE

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Bob Culver
County Executive

R. Wayne Strausburg
Director of Administration

August 27, 2019

The Honorable Thomas V. Mike Miller, Jr.
State House H-107
100 State Street
Annapolis, Maryland 21401

Re: Folk Festival Alcohol License

Dear Senator Miller:

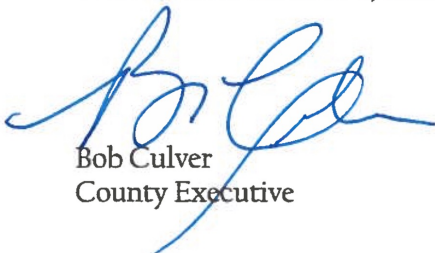
I am writing with a concern regarding the attached alcohol licenses that have been granted by Comptroller of Maryland Peter Franchot. These licenses are in violation of Article 2B. The event that the licenses are approved for is neither a Non-Profit Wine Festival nor a Non-Profit Beer Festival. Furthermore, the licenses that have been issued primary purpose is to promote Maryland Wine and Beer. The approved licenses are for the Folk Festival which has no relevance to a Wine Festival or a Beer Festival. By the attached information, the Comptroller was very much aware what kind of event this festival is.

Something that is very concerning to me is that the local Board of License Commissioners was totally circumvented both this year and last. They were not consulted at all. The License Commissioners are sworn to uphold Article 2B after being appointed by the Governor. We depend on them to protect our citizens from violations of the law and provide our residents with a safe environment.

It is very troubling that the Comptroller of Maryland would approve these licenses that are illegal. I think it is important that you and others in elected positions are aware of this unlawful action of the Comptroller.

Respectfully,

WICOMICO COUNTY, MARYLAND



Bob Culver
County Executive